

**Introduced by Senator Soto**

February 8, 2005

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An act to amend Section 47607 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 166, as amended, Soto. Charter schools: charter renewal.

The existing Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law provides procedures that relate to the renewal of a charter and specifies that a renewal shall be for a period of 5 years, inclusive.

This bill would, ~~instead as an alternative~~, provide that a charter may be renewed for a period of ~~one to 5~~ 2 to 4 years, *with certain requirements*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 47607 of the Education Code is
- 2 amended to read:
- 3 47607. (a) (1) A charter may be granted pursuant to Sections
- 4 47605, 47605.5, and 47606 for a period not to exceed five years.
- 5 A charter granted by a school district governing board, a county
- 6 board of education or the State Board of Education, may be
- 7 granted one or more subsequent renewals by that entity. Each

1 renewal shall be for a period of ~~one to~~ five years. A material  
2 revision of the provisions of a charter petition may be made only  
3 with the approval of the authority that granted the charter. The  
4 authority that granted the charter may inspect or observe any part  
5 of the charter school at any time.

6 *(2) As an alternative to paragraph (1), a charter may be*  
7 *renewed for a period of between 2 and 4 years. In granting this*  
8 *renewal, a chartering authority shall make findings with regard*  
9 *to inadequacies that justified the renewal of a charter for a*  
10 *period of less than 5 years, and shall provide the charter school*  
11 *with a plan for its improvement. A charter may only be renewed*  
12 *pursuant to this paragraph once in a 5-year period. If a charter*  
13 *is renewed pursuant to this paragraph, the charter school may*  
14 *appeal that action pursuant to subdivision (j) of Section 47605.*

15 ~~(2)~~

16 (3) Renewals and material revisions of charters shall be  
17 governed by the standards and criteria in Section 47605.

18 (b) Commencing on January 1, 2005, or after a charter school  
19 has been in operation for four years, whichever is later, a charter  
20 school shall meet at least one of the following criteria prior to  
21 receiving a charter renewal pursuant to paragraph (1) of  
22 subdivision (a):

23 (1) Attained its Academic Performance Index (API) growth  
24 target in the prior year or in two of the last three years, or in the  
25 aggregate for the prior three years.

26 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior  
27 year or in two of the last three years.

28 (3) Ranked in deciles 4 to 10, inclusive, on the API for a  
29 demographically comparable school in the prior year or in two of  
30 the last three years.

31 (4) (A) The entity that granted the charter determines that the  
32 academic performance of the charter school is at least equal to  
33 the academic performance of the public schools that the charter  
34 school pupils would otherwise have been required to attend, as  
35 well as the academic performance of the schools in the school  
36 district in which the charter school is located, taking into account  
37 the composition of the pupil population that is served at the  
38 charter school.

39 (B) The determination made pursuant to this paragraph shall  
40 be based upon all of the following:

1 (i) Documented and clear and convincing data.

2 (ii) Pupil achievement data from assessments, including, but  
3 not limited to, the Standardized Testing and Reporting Program  
4 established by Article 4 (commencing with Section 60640) for  
5 demographically similar pupil populations in the comparison  
6 schools.

7 (iii) Information submitted by the charter school.

8 (C) A chartering authority shall submit to the Superintendent  
9 of Public Instruction copies of supporting documentation and a  
10 written summary of the basis for any determination made  
11 pursuant to this paragraph. The Superintendent shall review the  
12 materials and make recommendations to the chartering ~~authoring~~  
13 *authority* based on that review. The review may be the basis for a  
14 recommendation made pursuant to Section 47604.5.

15 (D) A charter renewal may not be granted to a charter school  
16 prior to 30 days after that charter school submits materials  
17 pursuant to this paragraph.

18 (5) Has qualified for an alternative accountability system  
19 pursuant to subdivision (h) of Section 52052.

20 (c) A charter may be revoked by the authority that granted the  
21 charter under this chapter if the authority finds that the charter  
22 school did any of the following:

23 (1) Committed a material violation of any of the conditions,  
24 standards, or procedures set forth in the charter.

25 (2) Failed to meet or pursue any of the pupil outcomes  
26 identified in the charter.

27 (3) Failed to meet generally accepted accounting principles, or  
28 engaged in fiscal mismanagement.

29 (4) Violated any provision of law.

30 (d) Prior to revocation, the authority that granted the charter  
31 shall notify the charter public school of any violation of this  
32 section and give the school a reasonable opportunity to cure the  
33 violation, unless the authority determines, in writing, that the  
34 violation constitutes a severe and imminent threat to the health or  
35 safety of the pupils.